

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980**

Notice is hereby given that on September 2, 1997, a proposed Consent Decree in *United States v. Vogel Paint and Wax Co.*, C97-4078 MWB (N.D. Iowa) was lodged with the United States District Court for the Northern District of Iowa. The proposed Consent Decree resolves the United States' claims in this action against Vogel Paint and Wax Company, Incorporated ("Vogel") under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for response costs incurred and to be incurred by the United States at the Vogel Paint and Wax Company Site ("Site") in Sioux County, Iowa.

The proposed Consent Decree requires, *inter alia*, that Vogel will pay to the EPA Hazardous Substance Superfund \$200,000. In addition, Vogel is required to implement and perform certain response actions at the Site as ordered by the State of Iowa. The proposed Consent Decree grants to Vogel a covenant not to sue under Sections 106 and 107(a) of CERCLA, 42 U.S.C. §§ 9606 and 9607(a), and the contribution protection afforded by Section 113(f)(2) of CERCLA, 42 U.S.C. § 9613(f)(2), for matters addressed in the proposed Consent Decree. The proposed Consent Decree contains reopeners which allow the United States, in certain situations, to institute additional proceedings to require Vogel to perform response actions or reimburse the United States for additional costs of response.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Vogel Paint and Wax Co.*, DOJ No. 90-11-3-855.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Iowa, 320 6th St., Sioux City, Iowa 51101; and at the Consent Decree library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree library. When requesting a copy, please enclose a check in the amount of \$11.25 (25 cents

per page reproduction cost) payable to the Consent Decree library.

**Joel Gross,**  
Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.  
[FR Doc. 97-25995 Filed 9-30-97; 8:45 am]  
BILLING CODE 4410-15-M

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

**Sunshine Act Meeting**

September 26, 1997.

**PREVIOUSLY ANNOUNCED TIME AND DATE:** 10:00 a.m., Thursday, September 25, 1997.

**PLACE:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

**STATUS:** Open.

**CHANGES IN THE MEETING:** The Commission postponed until October 3, 1997, consideration and action on the following:

1. Whether to propose revisions to Commission Procedural Rules 5, 9, 10, 45(f), 70, and 75.

**TIME AND DATE:** 10:00 a.m., Friday, October 3, 1997 (Previously scheduled for September 25, 1997).

**PLACE:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

1. Whether to propose revisions to Commission Procedural Rules 5, 9, 10, 45(f), 70, and 75.

**TIME AND DATE:** 10:00 a.m., Friday, October 17, 1997.

**PLACE:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will hear oral argument on the following:

1. *Rock of Ages Corp. v. Secretary of Labor*, Docket No. YORK 94-76, etc. (Issues include whether the judge correctly determined that the operator violated four regulations relating to the use and handling of explosives and that the violations were due to the operator's unwarrantable failure; correctly assessed the penalty for the violations; and failed to be impartial in his decision and conduct of the hearing).

**TIME AND DATE:** 2:00 p.m. Friday, October 17, 1997.

**PLACE:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

**STATUS:** Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

**MATTERS TO BE CONSIDERED:** It was determined by a unanimous vote of the Commissioners that the Commission consider and act upon the following in closed session.

1. *Rock of Ages Corp. v. Secretary of Labor*, Docket No. YORK 94-76, etc. (See oral argument listing, *supra*, for issues).

Any person attending oral argument or an open meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 C.F.R. § 2706.150(a)(3) and § 2706.160(d).

**CONTACT PERSON FOR MORE INFO:** Jean Ellen (202) 653-5629/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

**Jean H. Ellen,**

Chief Docket Clerk.

[FR Doc. 97-26209 Filed 9-29-97; 3:53 pm]

BILLING CODE 6735-01-M

**NATIONAL SCIENCE FOUNDATION**

**National Science Board**

**Sunshine Act Meeting**

**DATE AND TIME:** October 8, 1997, 2:30 p.m., Open Session; October 9, 1997, 8:30 a.m., Open Session; October 10, 1997, 8:30 a.m., Open Session.

**PLACE:** University of Houston, Hilton Conference Center, 4800 Calhoun Road, Houston, TX 77204-3902.

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:**

**Wednesday, October 8, 1997**

*Open Session (2:30 p.m.-5:30 p.m.)*

—Minutes, August 1997 Meeting  
—Closed Session Agenda Items for November 1997 Meeting  
—Chairman's Report  
—Report of the Task Force on the October 1997 Meeting  
—Working paper on Government Funding of Scientific Research

**Thursday, October 9, 1997**

*Open Session (8:30 a.m.-6:15 p.m.)*

Subject of Meeting: Convocation on Graduate and Postdoctoral Education: The Federal Role

I. The National Interest and Federal Role in Science & Engineering Graduate and Postdoctoral Education

—Federal/University Partnership in Research and Education for the Future